

United States District Court
for the
District of Maine

JASON G. LITALIEN

Plaintiff

V.

CITY OF BIDDEFORD

Defendant

Case No. 2-19-cv-00237-LEW

PLAINTIFF'S UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE

Pursuant to Rule 41(a)2 of the Federal Rules of Civil Procedure, Plaintiff, Jason G. Litalien, hereby files this Unopposed Motion to Dismiss his Complaint without prejudice to reinstate and with no award of fees or costs, based on the following:

1. On September 17, 2019, the Biddeford City Council approved Council Order 2019.105 - Authorization/Preparation and Execution of Joint Development Agreement (JDA) with Treadwell Franklin Infrastructure Capital Partners/James W. Sewall Co.
2. Plaintiff is representing himself in this action *Pro Se*.
3. On May 24, 2019, Plaintiff filed this action challenging the City's installation of parking meters in violation of the referendum from 2014 that prohibited this action by the City.

Plaintiff alleged the action by the City violated the rights of free speech, due process, and equal protection of the U.S. Constitution and the Maine Constitution as well as a violation of the Biddeford City Charter.

4. As part of the JDA, the City will turn the municipal parking lots over to the private developer, thus eliminating any constitutional challenge to the City's actions.

5. After consulting with Defendant's attorney, Plaintiff seeks to voluntarily dismiss his complaint without prejudice. Mr. Keith Jacques, Defendant's attorney stated that Defendant is unopposed to this request.

Accordingly, Plaintiff requests that his Complaint be dismissed without prejudice to refiling at a later date.

DATED: September 18, 2019

/s/ Jason G. Litalien

Jason G. Litalien
Pro Se Plaintiff
8 Sapphire Dr.
Biddeford, ME 04005
207-604-8456
jason.litalien@gmail.com

CERTIFICATE OF CONFERENCE

I, Jason G. Litalien, hereby certify that on September 18, 2019, I conferred with Mr. Keith Jacques, attorney for Defendant and he was not opposed to the foregoing request for voluntary dismissal without prejudice.

DATED: September 18, 2019

/s/ Jason G. Litalien

Jason G. Litalien
Pro Se Plaintiff
8 Sapphire Dr.
Biddeford, ME 04005
207-604-8456
jason.litalien@gmail.com

CERTIFICATE OF SERVICE

I, Jason G. Litalien, hereby certify that on September 18, 2019, I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED: September 18, 2019

/s/ Jason G. Litalien

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Pro Se Plaintiff
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